In the Supreme Court
of the United States

OCTOBER TERM, 1959

No. _____

W. B. HERRON,

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON,

Respondent

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Appearing herein
In propria persona:

W. B. HERRON
c/o Western Oil Co.
9443 N. E. Klickitat
Portland 20, Oregon

STEVENS-NESS LAW P. B. CO., PORTLAND, ORE.

INDEX

	Page
Opinions Below	2
Jurisdiction	2
Questions Presented	3
Statutes Involved	3
Statements of Facts	4
Reasons for Granting the Writ	7
Conclusions	8
Certificate of Service	10
Appendix—A Compendium on Text, Questions Presented	13

In the Supreme Court
of the United States

OCTOBER TERM, 1959

No. _____

W. B. HERRON,

Petitioner,

v.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON,

Respondent.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

To the Honorable Chief Justice
and Associate Justices of the
Supreme Court Of The United States

The petitioner W. B. Herron, prays that a writ of certiorari be issued to review the decision of the United States Court of Appeals for the Ninth Circuit in the above case; or in the alternative if petitioner is in proper order to request a direct Summary Order be issued for a Federal Judge of another District be appointed to preside at a Jury Trial.

OPINIONS BELOW

The Blotter Sheet Order of the United States District Court For The District of Oregon of February 23, 1960, denying petitioner's Motion filed February 1, 1960, to reconsider petitioners' Motion filed October 22, 1959 in which petitioner asked the Court to vacate and set aside the Orders admitting Valda K. Herron, alias Putman as a party defendant or as plaintiff. The Appeal to the United States Court Of Appeals For The Ninth Circuit being taken from said Blotter Sheet Order.

JURISDICTION

An Appeal was taken to the United States Court Of Appeals in the nature of a Notice Of Petition being filed March 4, 1960 with the Court of Appeals for a Writ Of Prohibition and Writ of Mandamus. Petitions for Writ Of Prohibition and Mandamus were filed April 1, 1960.

Order of Submission dated April 4, 1960.

Docket Entries of Clerk, United States District Court For The District Of Oregon in Civil Case No. 7975, filed April 5, 1960.

The impaneled Appeals Court Judge; Honorable Oliver D. Hamlin Presiding, present with Honorable Charles W. Merrill and Honorable M. Oliver Koelsch on April 13, 1960 issued a minute Order Denying Petition for Leave to file Petition for Writ of Prohibition and Mandamus.

Certificate of Clerk, CA 9.

QUESTIONS PRESENTED

Can the United States District Court For The District Of Oregon, through any of the three regularly impaneled Judges thereof: Chief Judge Gus J. Solomon; William G. East; John F. Kilkenny in Case No. 7975; deliberately set aside and hold for naught the Divorce Decree and Property Settlement Agreement in Case No. 222-106 of the Circuit Court Of Multnomah County State of Oregon: Thenceforth proceed to, quasi-readjudicate said State Divorce Court Matters permitting petitioner's divorced wife Valda K. Herron, alias Putman to be admitted as a party in Case No. 7975 and thereby share in the Fire Insurance Claim Proceeds of $11,000.00, which the said State Court had Decreed would be wholly and solely vested to W. B. Herron petitioner herein[1]?

See further the Compendium on the text, "Questions Presented" in Appendix I.

STATUTES INVOLVED

The acts of the United States District Court For The District Of Oregon in this Case No. 7975 W. B. Herron -v- Millers National Insurance Company, a Chicago Illinois Corporation involves a direct violation of the Ninth and Tenth Amendments of the Bill of Rights of the Federal Constitution. With prima facie evidence in the nature of Certified Court Documents of an Oregon State

---

[1] See petitioner's Exhibit Document No. 1 for positive substantiations of petitioner's contentions.

Court's Decree laid right upon the Court's Bench by the Judge's Clerk showing said State Court's Jurisdictional Authority had been adjudicated toto caelo, needs no further comment, neither does the said Court have any plea of palliation in its overt act of denying petitioner's State's Rights.

Furthermore involved in the said Federal District Court in its direct violation of the Fourth, Fifth, Sixth, Seventh, and Eighth Amendments of the Federal Bill of Rights; in that petitioner's personal liberty, freedom from vengeful arbitrary arrest has been breached, security of property of moneys thereof, committed to jail without issue of warrant or any due process of any nature, without trial, access to bail or witnesses, denied an impartial trial being forced into a position by a vindictive Court of having prejudiced parties deliberately inserted in his Insurance Claim Case No. 7975 to defraud petitioner of his proceeds from Homestead Property lost in fire. The records show that on June 30, 1960 said District Court issued an Order for payment of $750.00 for attorney fees to the two shyster attorneys who asserted the false claim of Valda K. Herron, alias Putman and that all three of said parties signed Affidavits falsely alleging they had an interest in the insurance proceeds.

STATEMENT OF FACTS

The petitioner, W. B. Herron is a native Oregonian. Born, reared and educated in Portand, Oregon as the public records show; a constant resident of Oregon; operating a business of his own for the past 44 years.

The records of this Case No. 7975 of the United States District Court For The District Of Oregon show that it was filed by himself on February 25, 1955 against the Millers National Insurance Company of Chicago, Illinois and is an Illinois Corporation.

Petitioner filed his Proof of Loss within the required time, waited patiently for about 3 months for settlement, until it became most evident by the actions and methods of browbeating the said Insurance Company used through their "selected" fire insurance adjusters and attorneys they were genuine insurance claim beating racketeers. Upon such positive proof petitioner had in hand he proceeded with a very thorough investigation of his own to ascertain if other Fire Insurance Companies also had "selected" adjusters and shyster lawyers, and if they used the same pattern of browbeating abuses, harassments and outright challenge to Claimants to sue them. With no exceptions the same pattern of beating insurance Claimants was employed. For petitioner to relate the full extent of the racket that is beating Claimants over the Nation out of many millions of dollars would take volumes of legal sheets the ramifications are so extensive.

Oregon State Executive and Law enforcing Offices are involved, attorneys, Insurance Companies, and their principal initiatory stooges, the Insurance Adjuster. An exceptionally closely co-ordinated device and plan of degradation of which the petitioner is now thoroughly acquainted with having suffered at its corruptive hands. A mere gist of the matter can best be cited by petitioner's case, as all the foregoing facts are pertinent to the

issues of this Case No. 7975. Through some means and methods, yet unknown but about to be very definitely determined, some Lobbyists sleuthhound succeeded in "purposely" establishing through Bar Association approval, a very high rate for attorneys to charge clients for prosecution of their claims against insurance companies. In petitioner's case an $11,000.00 claim, investigation revealed practically all attorneys quoted $4,700.00. Petitioner's fire loss was a total loss, so admitted by the adjuster, yet the defendant Millers National Insurance Company would only proffer $7,000.00 as a full settlement, which was somewhat higher than the average figures offered by various companies in other claims. Generally the proffer is very slightly above the "purposely fixed" attorney fees, to make the proffer more "palatable" to the Claimant; who in the meantime waiting for his claim to be paid, is "suddenly pressed" by besetting creditors who the sleuthhounds through devious means have set upon him.

Thus it becomes most obvious the "purposely inflated" attorney fee schedule becomes a whip, a browbeating device, the symbol of onslaught of an ill-omened precusor. Also denotes what prompted the petitioner to file and prosecute his own case in view of such racketeering practices.

Most imperative and relevant to the foregoing statements; during the July 1958 part time trial session in the presence of the impaneled jury, Judge East stopped proceedings long enough to negotiate a settlement of the insurance claim by asking counsel Carlsen, of defendant Millers National Insurance Company, if he had

authority to offer a figure of settlement; Carlsen after a whispered conversation with counsel Pedersen, for Vada K. Herron, Putman, declared he had authority to offer $7,000.00; W. B. Herron then plaintiff in Case No. 7975, quickly refused the trivial offer; whereupon in a thoroughly disgusted manner and vociferation Judge East exclaimed: "you see he wants all of it".

REASONS FOR GRANTING THE WRIT

Petitione's contentions are that the violation of his State's Rights are so distinguishable, clear and evident in the matter of the lower Court's prejudicial, biased attitude and acts in admitting petitioner's divorced wife, Valda K. Herron, alias Putman into Case No. 7975, he should, not unnecessarily elaborate further and consume the Honorable Court's time in deliberating the matters of Law and issues of facts in this Case. Petitioner affirmly believes the Certified Court Documents alone, of the Divorce Court in Case No 222-106 which he has submitted into evidence conclusively shows that Valda K. Herron, alias Putnam has no rights whatsoever in this Case.

Petitioner contends that the Supreme Court Of The United States is the only Court of proper Original Jurisdiction and authority to adjudicate issues where Interposition with State's Rights are pronouncedly evident and outright corruption within the United States District Court is rampant as the files, records and exhibits of Case No. 7975 do show. Such acts by said Court are in some manner or degree in direct violation to petition-

er's rights as expressed in the Federal Bill Of Rights, Fourth to Tenth Amendments, inclusive; thus a Constitutional matter which is within the sole jurisdiction of this Court.

CONCLUSIONS

If there are no applicable Rules or means whereby a Direct Summary Adjudication can be issued by the Honorable Supreme Court Of The United States in this Case:—Then petitioner, still not having his faith disparged in the true form of American Jurisprudence, believes he can have a fair and impartial Jury Trial if a Federal Judge from another District is assigned to preside.

Petitioner alleges the capricious unjudicial acts and conduct of the United States District Court For The District Of Oregon in this Fire Insurance Claim Case is so viciously corrupt, deliberate and vengeful it constitutes an act of collusion with all adverse parties in this Case; to defraud this petitioner of the proceeds of his Homestead Exemption Rights, which are his, in all rights both Statute and Common Law. (ORS 29.280 to ORS 29.369) (Sup. Crt. in Norton v. Winter et al, 1 Or. 47; Dispain v. Crow, 14 Or. 404.).

Petitioner maintains he has a Common Law and Constitutional Right to have an unprejudiced Jury Trial without the presence of his divorced wife and his former discharged attorneys, Pedersen & Reynolds. It was these attorneys who first secured a divorce for her; then influenced, coerced her into signing a false Affidavit on

May 1, 1956, in Case No. 7975 asserting an interest therein which she herself and counsel Pedersen had previously stated under Oath they did not have or want any interest in the Millers National Insurance Company case. Petitioner cites in thus manner his property interests were again placed in jeopardy for a second time by the Court of Judge East; now at this date of drafting this Petition For Writ Of Certiorari, Judge Kilkenny sitting on his throne of prevarication is yearning for the third time try, at placing petitioner's Homstead Property Rights in jeopardy.

Petitioner therefore prays that the Supreme Court Of The United States grant his Petition For Writ Of Certiorari; or in the alternative any Direct Summary Order of Judgment or Commensurate Relief as alleged in his Amended Complaint filed September 12, 1956; which the Court may see fitting and proper in the premise against adverse parties as set forth in petitioner's Certificate of Service.

Date dthis 7th day of September, 1960, at Portland, Oregon.

W. B. HERRON,
Petitioner, In propria persona.

W. B. Herron, Western Oil Co.,
10443 N. E. Klicktat,
Portland 20, Oregon, AL 4-2867.

CERTIFICATE OF SERVICE

The undersigned, W. B. Herron, the petitioner herein acting as his own counsel appearing in propria persona does hereby Certify that in compliance with paragraph I of Rule 33 of Revised Rules of the Supreme Court Of The United States, he served a copy of the foregoing Petition For Writ of Certiorari on each adverse party and same were all dropped in the mail depository at the Main Branch of the Portland, Oregon Post Office at Broadway and S. W. Glisan Street on this date.

That inasmuch petitioner is not represented by counsel a member of the Bar of the Supreme Court Of The United States, he therefore will furnish proof of such service having been made by forwarding to the Clerk of the Supreme Court Of The United States, all the receipts for Certified Mail together with their respective Return Receipt Cards immediately upon receipt of same from the recipients. Following are listed all counsels of all adverse parties and their addresses which were served in such manner on this date:—

(1) King, Miller, Anderson, Nash, Yerke & Carlsen, 1200 American Bank Bldg., 621 S. W. Morrison St., Portland 5, Oregon, counsel for the defendant Millers National Insurance Co., a Chicago, Illinois, Corporation.

(2, 3) A. W. Pedersen, 611 Failing Bldg., 618 S. W. 5th Ave., Portland 4, Oregon, and John F. Reynolds, 1009 Equitable Bldg., 421 S. W. 6th Ave., Portland 4, Oregon, counsels for Valda K. Herron, alias Putman, 7004 S. W. 36th Ave., Portland 19, Oregon (the uncon-

stitutionally entered party into this Case by the United States District Court For The District Of Oregon, upon the false Affidavits, misrepresentations and misquotes, filed and stated by all 3 parties to said Court, and which the records show said Court was fully advised in such premise that said falsifications did exist).

(4) Benson, Williams & McLennan, 1023 Public Service Building, 920 S. W. 6th Ave., Portland 4, Oregon, counsels for all 5 unconstitutionally entered Interveners: George Andros, 604 S. W. 2nd Ave., Portland, Oregon; United Petroleum Corporation, 3060 N. W. Front Ave., Portland, Oregon; R. P. & M. B. Barss, husband and wife, c o First National Bank, 400 S. W. 6th Ave., Portland, Oregon; Wm. H. B. Smith, dba Business Men's Service Company, 2029 S. E. Hawthorne Blvd., Portland, Oregon.

(5, 6, 7) All 3 of the regularly impaneled Judges of the United States District Court For The District Of Oregon, Chief Judge Gus J. Solomon, Judge William G. East, Judge John F Kilkenny, all addressed United States Court House, S. W. Broadway and Main Street, Portland 5, Oregon.

Date dthis 7th day of September, 1960, at Portland, Oregon.

W. B. HERRON,
Petitioner, In propria persona.

W. B. Herron,
Western Oil Company,
10443 N. E. Klickitat,
Portland 20, Oregon,
AL 4-2867.

APPENDIX

COMPENDIUM on Text, Questions Presented

It is also most imperative to petitioner's Case that the Supreme Court Of The United States render its Decision on all the illegal, unlawful, unconstitutional Trial Proceedings, Opinions, Decisions, Interlocutory Judgment Order, Intervener's Hearings and all other prejudicial, biased acts and moves which said United States District Court arbitrarily persisted in conducting after March 7, 1960; that date being the time petitioner W. B. Herron filed an Affidavit Of Prejudice as shown by the Docket Sheet Certification. All such acts, moves and Trial being conducted by Judge Kilkenny notwithstanding the fact he was well advised in the premise to wit:—

That the Oregon Statutes provide for the Constitutional Right of a litigant to file two Affidavits of Prejudice which petitioner did exercise on the remaining two impaneled Judges of said Court; Judge John F. Kilkenny and Judge Gus J. Solomon; Judge William G. East having assured petitioner W. B. Herron at the hearing proceedings of Motion To Dismiss on September 29, 1958 his Court would not hear petitioner's Case, in thus manner disqualifying himself as the records show (hearing proceedings transcript of 9 29 58—page 8, lines 3 to 8 inclusive). That Judge Kilkenny denied the existence of such a privilege and statute as shown on the record of his Blotter Sheet in the proceedings he conducted on March 8, 1960.

That Judge Kilkenny was well advised that Valda K.

Herron, alias Putman had no rights whatsoever in Case No. 7975, having right before him on his Bench the Certified Copies of the Oregon State Court Decree and Property Settlement Agreement in Divorce Action Case No. 222-106 of the Circuit Court Of Multnomah County; stating that all properties and moneys were Decreed to W. B. Herron. Yet the records of the mock kangaroo court trial he conducted on March 8, 1960, reveal Judge Kilkenny permitted Valda K. Herron, alias Putman, to take the witness stand and re-assert her false claim to proceeds of the Fire Insurance Claim Case No. 7975.

Thus, Judge Kilkenny condoned the acts of a falsifying claimant and a proven perjured witness, having confessed under oath she had no interest in the Millers Insurance Claim on April 4, 1955, then on May 1, 1956 falsely alleging under oath in an Affidavit filed in this Case she did have an interest. The April 4, 1955 statement is shown in petitioner's Exhibit #1 Document, Excerpt of the Divorce Trial Proceedings in Case No. 222-106. Thereby Valda K. Herron, alias Putman, by self confession and by State Court Decree has no interests to assert in Case No. 7975. Therefore the United States District Court For The District Of Oregon, Judges East and Kilkenny have absolutely no alibi; guilty of fraud, collusion with all of the petitioner's adversaries,—as herein specifically identified in the Certificate Of Service,—to defraud petitioner herein of his Court Awarded and Decreed moneys due from the Insurance Claim Proceeds of Case No. 7975. Petitioner therefore prays the Supreme Court Of The United States grant his Petition For Writ of Certiorari; or for a Direct Sum-

mary Decision on Pleadings in accordance with any applicable Rules Of The Honorable Supreme Court Of The United States.

Dated this 7th day of September, 1960, at Portland, Oregon.

W. B. HERRON,
Petitioner, In propria persona.